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| TOLER LAW GROUP | | | PATEL, DHAIRYA A | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,774

Applicant(s)

KORTUM ET AL.

Examiner

Dhairya A. Patel

Art Unit

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. This action is responsive to RCE filed on 3/3/2009. Claims 1-7,9-22 are subject to examination. Claim 8 is cancelled and claim 22 is newly added claim.
2. This amendment has been fully considered and entered.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/3/2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,5-7,9-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitsoulakis et al. U.S. Patent Publication # 2003/0035471 A1 (hereinafter Pits) further in view of Brown et al. U.S. Patent # 6,823,480 (hereinafter Brown)

As per claim 1, Pits teaches a method of indicating connectivity comprising:

-determining whether a communication link is established (Fig. 1 element 104) between a modem (Fig. 1 element 102) and a network aggregation point (i.e. DSL provider) (Fig. 5 element 508) (Paragraph 34, 39);

NOTE: The reference teaches each of the computers connected to the Ethernet hub on the access device (between the modem). The access device is connected to a single DSL line through which DSL services are provided by the DSL service provider (a network aggregation point). In Paragraph 34 and Table 1, Pits also teaches DSL LED indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transceiver unit (ATU). When DSL is connected and is synchronized with ATU-C, the DSL LED shows green light. When DSL is connected and is not synchronized with ATU-C, the DSL LED shows yellow light. When there is no DSL connection, the DSL LED shows no light (determining communication link is established).

-visually indicating an existence of the communication link at a first location of the modem (Fig. 4 element 402) (Paragraphs 34, 37) when the communication link is established (Paragraph 34) (Table 1); and

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (visually indicating existence of the link) which indicates the link status. When there is an Ethernet connection at an Ethernet hub (modem), the associated Ethernet link LED shows green light otherwise, when there is not connection, the Ethernet link shows no light. Pitsoulakis specifically states, the DSL LED (Fig. 2 element 206) indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transceiver unit (ATU). This means there is a communication link

between the modem of the user which the access device and the network aggregation point which is (DSL connection with the DSL transceiver unit). In Paragraph 34 and Table 1, Pits also teaches DSL LED indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transceiver unit (ATU). When DSL is connected and is synchronized with ATU-C, the DSL LED shows green light. When DSL is connected and is not synchronized with ATU-C, the DSL LED shows yellow light. When there is no DSL connection, the DSL LED shows no light (determining communication link is established).

Pits teaches determining whether the modem has access to an information service (Paragraph 83, 84) and determining whether the modem has access to an information service and visually indicating an accessibility of the information service at a second location of the modem when the modem has access to the information service (Paragraph 34, 37)(Table 1,2)(Fig. 4 element 404).

NOTE: The reference teaches Ethernet activity LED (Fig. 4 element 404) which indicates activity status. The reference also teaches when there is an Ethernet connection; the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the accessibility of the information service at the Ethernet hub (modem).

Although Pits teaches the above limitation, Brown specifically teaches determining whether the modem has access to an information service (column 4 lines 19-31, lines 44-55) and visually indicating an accessibility of the information service at a

second location of the modem (Fig. 3 element 315,325) when the modem has access to the information service (column 4 lines 19-31, lines 44-55) (Fig. 3 element 315,325)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Brown's teaching in Pits's teaching to come up with having modem accessing information service and visually indicating accessibility of the information service on the modem. The motivation for doing so would be to notify the user that system is online and operational, when the user sees the LED indicators on the modem.

As per claim 2, Pits and Brown teaches the method of claim 1, further comprising: utilizing a first light emitting diode (Fig. 4 element 402) to indicate whether the communication link is established (Paragraphs 34, 37); and utilizing a second light emitting diode (Fig. 4 element 404) to indicate whether the modem has access to the information service (Paragraphs 34, 37) (Table 1, 2).

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (visually indicating existence of the link) which indicates the link established. The reference teaches Ethernet activity LED (Fig. 4 element 404) which indicates activity status (access of the information source).

Brown specifically teaches utilizing a first light emitting diode (Fig. 3 element 325) to indicate whether the communication link is established (column 4 lines 19-31, lines 44-55); and utilizing a second light emitting diode (Fig. 3 element 325) to indicate whether the modem has access to the information service (column 4 lines 19-31, lines 44-55)(Fig. 3 element 315,325)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Brown's teaching in Pits's teaching to come up with having LED indicating communication link established and another LED indicating modem has access to the information service. The motivation for doing so would be to notify the user that system is online and operational when the user sees the LED indicators on the modem.

As per claim 3, Pits and Brown teaches the method of claim 1, but Pits further teaches further comprising executing a Point to Point Protocol over Ethernet client in connection with establishing the communication link (Paragraph 43).

As per claim 5, Pits and Brown teaches the method of claim 1, but Pits further teaches further comprising communicating information from the information service to the modem via the network aggregation point (Paragraph 37).

As per claim 6, Pits and Brown teaches the method of claim 1, but Pits further teaches wherein the modem comprises a user interface having visual display capabilities (Fig. 2 elements 204,206,208,210,212)(Fig. 4 elements 402,404).

As per claim 7, Pits teaches the method of claim 6, wherein the user interface comprises the first location (Fig. 4 element 402) and the second location (Fig. 4 element 404)(Paragraph 37).

As per claim 9, Pits and Brown teaches the method of claim 1, but Pits further teaches wherein the modem comprises a digital subscriber line (DSL) modem (Paragraph 14, 75).

As per claim 10, Pits and Brown teaches the method of claim 1, but Pits further teaches wherein the modem comprises a cable modem (Paragraph 75)

As per claim 11, Pits and Brown teaches the method of claim 1, but Brown further teaches wherein the network aggregation point comprises a cable modem termination system (Fig. 3 element 300,305,310)(column 3 lines 5-10)(column 4 lines 13-20)).

As per claim 12, Pits and Brown teaches the method of claim 1, but Pits further teaches wherein the network aggregation point comprises a digital subscriber line access multiplexer (Paragraphs 39,40).

As per claim 13, Pits and Brown teaches the method of claim 1, but Brown further teaches further comprising disabling the visual indication of the existence of the communication link in response to recognizing a loss of the established communication link (column 5 lines 1-4, lines 41-59).

As per claim 14, Pits teaches a system, comprising:

-a display element coupled to a housing component (Fig. 2 element 204,206,208), wherein the display element includes a visual display portion (Fig. 2 element 204,206,208,210,212);

NOTE: The reference teaches visually displaying LED which a housing component (Fig. 204,206,208,210)

-wherein the housing component at least partially defines an enclosure (Fig. 2 element 204,206,210,208,212) (Fig. 3, 4);

NOTE: The displaying LED are partially defining enclosure since this is an open area of viewing the LED's.

-a broadband modem unit (Fig. 2 element 200) secured within the enclosure (Fig. 2 element 204,206,208,210,212);

-a link detection mechanism communicatively coupled to the broadband modem unit and operable to output a link signal in response to a determination that a communication link exists between the broadband modem unit and a network aggregation point (Fig. 5 element 508) (i.e. DSL provider) (Paragraphs 34, 37); and

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (output link signal) which indicates the link status. When there is an Ethernet connection at an Ethernet hub (modem), the associated Ethernet link LED shows green light otherwise, when there is not connection, the Ethernet link shows no light. Pitsoulakis specifically states, the DSL LED (Fig. 2 element 206) indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transceiver unit (ATU). This means there is a communication link between the modem of the user which the access device and the network aggregation point which is (DSL connection with the DSL transceiver unit).

-a data detection mechanism operable to output an access signal in response to a recognition that a remote information service is accessible from the broadband modem unit (Paragraphs 34, 37);

NOTE: The reference teaches when there is an Ethernet connection (remote information service) at an Ethernet hub (modem); the associated Ethernet link LED

shows green light otherwise, when there is not connection, the Ethernet link shows no light.

-a first indicator (Fig. 4 element 402) operable to be displayed within the display element in response to the link signal (Paragraphs 34, 37); and

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (a first indicator) which indicates the link status. When there is an Ethernet connection at an Ethernet hub (modem), the associated Ethernet link LED shows green light otherwise, when there is not connection, the Ethernet link shows no light.

-a second indicator (Fig. 4 element 404) operable to be displayed within the display element in response to the access signal (Paragraphs 34, 37) (Table 1, 2).

NOTE: The reference teaches Ethernet activity LED (Fig. 4 element 404) which indicates activity status. The reference also teaches when there is an Ethernet connection; the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the access signal i.e. since there is activities with the network (modem).

Although Pits teaches the above limitation, Brown specifically teaches a data detection mechanism operable to output an access signal in response to a recognition that a remote information service is accessible from the broadband modem unit (column 4 lines 19-31, lines 44-55); first indicator (Fig. 3 element 300,305,325) operable to be displayed within the display element in response to the link signal (column 4 lines 19-31, 44-55) a second indicator (Fig. 3 element 315,325) operable to be displayed within the

display element in response to the access signal (column 4 lines 19-31, lines 44-55)(Fig. 3 element 315,325)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Brown's teaching in Pits's teaching to come up with having modem accessing information service and visually indicating accessibility of the information service on the modem by the first indicator and second indicator. The motivation for doing so would be to notify the user that system is online and operational, when the user sees the LED indicators on the modem.

As per claim 15, Pits and Brown teaches the system of claim 14, but Pits further teaches wherein the display element comprises a plurality of light emitting diodes (Fig. 2 element 204,206,208,210,212) within the visual display portion and further wherein the first indicator comprises a first lighted one of the plurality of light emitting diodes and the second indicator comprises a second lighted one of the plurality of light emitting diodes (Paragraph 34, 37).

As per claim 16, Pits and Brown teaches the system of claim 14, but Pits further teaches wherein the broadband modem unit comprises a cable modem (Paragraph 75).

As per claim 17, Pits and Brown teaches the system of claim 14, but Pits further teaches wherein the broadband modem unit comprises a digital subscriber line (DSL) modem (Paragraphs 14, 75).

As per claim 18, Pits and Brown teaches the system of claim 14, but Pits further teaches further comprising a point to point protocol over Ethernet (PPPoE) client executing on a processor secured within the enclosure (Paragraph 43).

As per claim 19, Pits teaches a method comprising:

-providing a subscriber with a broadband modem comprising a first indicator (Fig. 4 element 402) operable to display a connectivity status indicating whether a connection exists between the broadband modem and a network aggregation node (Paragraphs 34,37); and

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (visually indicating existence of the link) which indicates the link status. When there is an Ethernet connection at an Ethernet hub (modem), the associated Ethernet link LED shows green light otherwise, when there is not connection, the Ethernet link shows no light. Pitsoulakis specifically states, the DSL LED (Fig. 2 element 206) indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transceiver unit (ATU). This means there is a communication link between the modem of the user which the access device and the network aggregation point which is (DSL connection with the DSL transceiver unit).

-a second indicator (Fig. 4 element 404) operable to display a data status indicating whether the broadband modem has access to a remote information service node (Paragraphs 34, 37)(Table 1,2).

NOTE: The reference teaches Ethernet activity LED (Fig. 4 element 404) which indicates activity status. The reference also teaches when there is an Ethernet connection; the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the modem has access to the information service at the Ethernet hub (modem).

-providing a broadband data service to the subscriber (Paragraph 42).

NOTE: The reference teaches DSL service provider providing DSL services to the user.

Although Pits teaches the above limitations, Brown further teaches a second indicator (Fig. 3 element 325,315) operable to display a data status indicating whether the broadband modem has access to a remote information service node (column 4 lines 19-31, 44-55) and providing a broadband data service to the subscriber (column 4 lines 50-55).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Brown's teaching in Pits's teaching to come up with having visually indicating whether the modem has access to the information service on the modem by the indicator. The motivation for doing so would be to notify the user that system is online and operational, when the user sees the LED indicators on the modem

As per claim 20, Pits and Brown teaches the method of claim 19, but Brown further teaches further comprising: receiving a trouble shooting request from the subscriber, the trouble shooting request relating to the broadband service (column 4 lines 56-67) (column 5 lines 1-5, lines 17-28); and prompting the user to observe the first and second indicator (column 4 lines 66-67) (column 5 lines 1-5, lines 17-28).

As per claim 21, Brown teaches the method of claim 20, further comprising: receiving a communication indicating that the first indicator displays a positive connectivity status and the second indicator displays a negative data status (column 5

lines 40-64); and determining an appropriate suggestion responsive to the trouble shooting request (column 5 lines 17-28)

As per claim 22, Pits and Brown teaches the method of claim 1, but Brown further teaches further comprising disabling the visual indication of the existence of the accessibility of the information service in response to recognizing a loss of the established communication link (column 5 lines 1-4, lines 41-59).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pits in view of Brown further in view of Hartmaier et al. U.S. Patent # 6,553,022 (hereinafter Hartmaier)

As per claim 4, Pits and Brown teaches the method of claim 1, but is silent in teaching communicating a user credential to an authentication server to request access to the information service. Hartmaier teaches communicating a user credential to an authentication server to request access to the information service (column 5 lines 21-36). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention as was made to implement Hartmaier's teaching in Pits and Brown's teaching to come up with communicating user credentials to a authentication server in connection with authorizing access. The motivation for doing so would be check whether the subscriber is an authorized subscriber to the ISP, therefore granting access if the credentials match, or denying access if credentials are invalid (column 5 lines 21-36).

Response to Arguments

Applicant's arguments with respect to claims 1-7, 9-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A). "Method and Apparatus for Telephone Line Testing" by Starr et al. U.S. Patent # 7,003,078.

B). "Method and Apparatus for decreasing cable installation time and cable installation faults" by Cloonan et al. U.S. Patent # 7,047,553 (hereinafter Cloonan)

4. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on Monday-Friday 8:00AM-5:30PM, first Fridays OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DAP
/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451